

March 8, 2006

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REGULAR_ITEMS:

COVINGTON_ESTATES_(01-41)

MR. ARGENIO: Application proposes development of the three tax parcels with 124 multi-family housing units. Application was previously reviewed at the 13 June, 2001, 10 October, 2001, 22 May, 2002, 25 September, 2002 and 9 July, 2003 planning board meetings. This project is before the board for conditional site plan approval at this meeting.

MR. WINGLOVITZ: Ross Winglovitz from Engineering Properties.

MR. CAPPELLO: John Cappello, Jacobowitz & Gubits here before you tonight requesting conditional final approval of Covington Estates. As you noted in the notice there's several meetings we've been to, everything has been resolved including public hearing, SEQRA's been taken care of, every issue is resolved and at the July meeting of 2003 I think it was, we came before this board and were told that basically everything was satisfied with the exception of the water issue which still remains. We're asking that the board grant conditional site plan approval subject to the project receiving water from the town.

MR. WINGLOVITZ: July 9, 2003 was the meeting we were at where we discussed the conditional approval and I think it was just tabled at that point because there wasn't an end in sight to water and I think at this point we would like to get that approval.

MR. ARGENIO: So from July 9 it was tabled at that point because of the water moratorium?

MR. WINGLOVITZ: Right.

MR. ARGENIO: And where have you been since then doing

First Approval: Conditional

anything on this since then?

MR. CAPPELLO: We have all our approvals, we have the health department approval, all the other agency approvals are here, the only issue really is the lifting of the water moratorium and we'll be ready to turn, you know, to get building permits.

MR. ARGENIO: What did you receive from July 9 until now, what approvals have you received specifically within--

MR. WINGLOVITZ: We had them all in hand, then we updated health department approval, that was the only approval that we have changed since then we updated it because of a new engineer on the project but other than that our company changed names so we just put, update our approval, put a new company name.

MR. ARGENIO: Mark, can you elaborate on your comment number 8 please?

MR. EDSALL: I'm just making sure the applicant on the record is aware that the New Windsor code has a sunset provision on expirations and you would have 180 days from the approval to meet the conditions. You obviously can get two 90 day extensions and then the approval expires, we just want the applicant to be aware that a lot of municipalities don't have an expiration provision for site plans, the Town of New Windsor does.

MR. ARGENIO: Okay, the applicant should confirm the status of any permits and/or approvals necessary from the Army Corps. of Engineers, can you tell us about wetlands and how they relate to the property?

MR. WINGLOVITZ: There's a wetland on site at the southern portion, this is Route 300, the railroad tracks, the only wetland areas in the southern portion

of the site we're not disturbing any wetlands and there's a J.D., Jurisdictional Determination on file with the Town.

MR. ARGENIO: What about the status of the SWPPP?

MR. WINGLOVITZ: It's been prepared, in fact, it's been approved by the DEC for greater than five acre disturbance, Mark says the Town has I guess under the new Phase 2 requirements has adopted regulations requiring the Town's review of that, we have no problems submitting it to the Town for review and approval.

MR. ARGENIO: You have that but Mark doesn't have it?

MR. EDSALL: Right.

MR. WINGLOVITZ: There was one submitted as part of the EAF and it was approved at the time and you guys have updated your ordinance and we'll give you our copy of that for your approvals, we updated it to bring it up to the current actually when this started it was under five acres now it's one acre so we had to update our whole report.

MR. ARGENIO: What's Glen Marshall have to say, have you spoken to him about this?

MR. EDSALL: Not of late, I'm raising the issue because in going through the file there was a lot of discussion during 2002 about the section of the Old Forge Hill Road and there was going to be an offer of dedication so if the Town ever wanted to make that a through road which is unlikely given the grades but is still something that was discussed in 2002 as being--

MR. ARGENIO: Was there an issue with the railroad tracks?

MR. EDSALL: Yeah, the railroad tracks if they ever--

MR. BABCOCK: The elevation.

MR. EDSALL: If the railroad tracks were eliminated the whole ball game may change.

MR. WINGLOVITZ: Right, we have actually designed these units to be set back so they meet setback requirements if this became a Town road through the site and we showed a dotted line and talked about, had a plan regarding that so that everybody was on notice that some day some way it may become a Town road.

MR. EDSALL: So the discussion back then was that we would ask the applicant I believe we had gone through the whole exercise of having descriptions done, we had the offer, the Town wouldn't exercise it at this point I'm sure but I'm, we're asking that you have the note on the plan and in the perspectus with the Attorney General you indicate that has been offered for dedication and could become a Town through road and that there be a declaration filed that's cross referenced in any deeds saying that it could in fact be a Town road at some time in the future.

MR. ARGENIO: This is a while back but I seem to remember we also discussed on this application in lieu of the historical location that it's in did we also discuss stone walls on both sides of the road?

MR. EDSALL: They're on the plan from 300 up to the first intersection.

MR. ARGENIO: You did include them?

MR. WINGLOVITZ: Yes, again, there's a big discussion about whether they should be dry laid stone walls or whether on footings.

MR. EDSALL: You're remembering more details than I am but I did check to make sure that the stone walls that the board wanted are on the plan on the right-of-way lines from 300 back to the first intersection.

MR. ARGENIO: Lighting, Mark?

MR. EDSALL: Lighting I don't know if there's any further discussion.

MR. WINGLOVITZ: There's a 12 foot pole specified with a shielded fixture on site and site lighting shown on the plan a long time ago.

MR. ARGENIO: I see we have it opened up here, okay, so Mark, you've gone through these fairly thoroughly, made sure that they meet current--

MR. EDSALL: File is real thick and I have tried on this list to include any conditions that would meet all the requirements over the years that we have talked about.

MR. MINUTA: Could someone briefly elaborate on the historical significance of this site so I can come up to speed?

MR. EDSALL: It's in an overlay district, historic corridor.

MR. ARGENIO: That whole corridor is historical down 300 because of the Cantonment, anytime anybody does something in the corridor, I don't mean to interrupt, I got the whole chapter and verse a few years back because I asked the same question that you did, the whole corridor is historical because of the Cantonment for obvious reasons. So anything that's done in that area and I don't know exactly where it begins and ends, probably begins somewhere up near Duggan, Crotty and Dunn's old office, comes south, probably ends somewhere

near Vails Gate.

MR. EDSALL: Yeah, starts to fade out in this area, that's why if you look at the entrance, there's an attempt to have the stone walls have some features on the entrance and have that entrance area less disturbed.

MR. ARGENIO: So again--

MR. SCHLESINGER: I had some construction work done in that area and the Historic Society requested that the building be constructed in a manner that is historic.

MR. MINUTA: Conducive to the period essentially.

MR. ARGENIO: Is that your restaurant, Neil, you have a historic building there, is that right?

MR. SCHLESINGER: Historic area, historic building and I don't know whether it's relevant to this, I don't know how far, I remember who the historian was ten years ago but if Mr. Marshall, I don't know what kind of input he gave to you.

MR. WINGLOVITZ: It was complete.

MR. SCHLESINGER: Other than the stone walls personally I'd hate to see pink vinyl siding on the buildings.

MR. WINGLOVITZ: There was a complete historical and prehistorical evaluation done of the site and that was reviewed by the Town historian and by the state and approved by both.

MR. SCHLESINGER: So you have some sort of approval as far as what needs to be done?

MR. WINGLOVITZ: Yes, all part of the SEQRA process.

MR. SCHLESINGER: I'm assuming there was a public hearing?

MR. EDSALL: There was a planning board public hearing.

MR. MINUTA: Were those approvals for the development itself or the aesthetics of the building?

MR. WINGLOVITZ: For the development for disturbance, not disturbing any historical resources, no historical buildings directly adjacent so there's no architectural so really for cannon balls and arrowheads.

MR. SCHLESINGER: So aesthetically nothing was addressed.

MR. CAPPELLO: Well, the plans were, I mean, this project underwent a coordinated SEQRA review, so all the documents were submitted to your historian, everything went to all the agencies, so this was a significant lengthy review of the entire plans.

MR. SCHLESINGER: Why don't you just beam me up and tell me how we're building the buildings, how is that constructed?

MR. WINGLOVITZ: There's no adjacent architecture that was established as historical.

MR. SCHLESINGER: I'm asking the question now, stone, brick, wood siding?

MR. WINGLOVITZ: We looked at the Colonial style of the units architecture but there wasn't a materials requirement because these are not historic buildings.

MR. EDSALL: What they're trying to say is given the fact that the Town has a historic overlay district here what can you tell us about the finish so it may fit in?

MR. WINGLOVITZ: Boy, there's going to be stone used on the buildings, stone and brick, that's quite a bit of the theme on these buildings, we know a little bit more now than we did then, I don't know what the siding material is going to be, that's going to be up to the individual builder who ends up building the project.

MR. MINUTA: Well, to that point I think it would behoove us to understand whether it is of Colonial nature or are we doing builder's specials where we're doing brick and the rest of it is vinyl siding and a couple of pre-fab buildings.

MR. WINGLOVITZ: Does the board have a separate architectural review or no?

MR. ARGENIO: We don't, we do not have an architectural review as part of the planning board but the purview of that and correct me if I speak wrong, Mark, that would fall under the Town Board and certainly they would accept our recommendations, I don't want to speak for them.

MR. EDSALL: The only difference between this and every other place in Town is that this is in the historic overlay district, if it wasn't, I don't think you'd be having this discussion so it would just help to understand what you guys are going to do.

MR. SCHLESINGER: I had a discussion with somebody today and irrelevant to this plan and had nothing to do with that and it was explained to me that it is the jurisdiction of the board, the planning board so that's under our auspices.

MR. ARGENIO: Andy?

MR. CAPPELLO: I can respond as far as jurisdiction of the board, the board adopted a negative declaration under SEQRA examining the aesthetic impacts, examining

the impact on the historical features and they made a decision on this plan. So I would say it is in the purview of the planning board and you made your decision on this application after a full coordinated SEQRA review that was copied to the State Historic Parks, it was copied to your historian that was subject to a public hearing and subject to over probably a year and a half minimum review. The only reason this isn't up and built is at the time we were asking for final approval, the Town adopted a water moratorium, we have health department, we have all the approvals so we're really here to say the condition now that it is about to be lifted we, you know, are ready to build obviously we'll respond to your questions but I think that issue has been discussed ad infinitum.

MR. ARGENIO: This application predates most of the board members so you need to be a little patient here.

MR. KRIEGER: Let me see if I can put that more succinctly, it is within the jurisdiction of the board in connection with SEQRA review, the historical questions that are being raised it was reviewed, it was part of the SEQRA review, it was acted on.

MR. MINUTA: Does that relate to the planning of the community and the layout or does that relate to the planning and the buildings and the three dimensional value of this property?

MR. KRIEGER: I'm not sure.

MR. MINUTA: For the SEQRA process we can discuss aesthetics, we can go on a litany of items. The real question here is with regard to the planning, is everything appropriate in the aesthetics of the property? I have no issues here with the development, I have no issues here with the site plan, I think the real issue that we're coming to terms with here tonight is that it's the historic overlay district, we have not

reviewed or seen this property as it is, all the other items may be fine but this I do believe because of its location has the significance that should be addressed.

MR. KRIEGER: Part of the, yeah, the portion of the SEQRA review that has to do with historical review merely talks about, talks in general about the historical impact. Now, so that would encompass all the things that you're talking about, however bearing in mind that the SEQRA review was done in what '02?

MR. WINGLOVITZ: October of '02.

MR. KRIEGER: Now, the question is before you can decide whether to revise it in any way, if anything has anything changed since '02, if something has, then you're free to look at it, if nothing's changed--

MR. EDSALL: What has changed in speaking with the building inspector is the overlay district might have been created after this application was before the board, the guidelines for how to treat the overlay district were developed, have good changes after the SEQRA documents were circulated and worked on.

MR. BABCOCK: I don't even think there's any guidelines, that's the problem.

MR. WINGLOVITZ: Clearly in the overlay district when we started this that's what kicked us into the archeological review.

MR. EDSALL: There was not an actual district, an overlay district.

MR. WINGLOVITZ: There was a map that showed the site being on it but there's two types of historic districts, there's architecturally historic districts, downtown Town of Warwick part of that was making sure the architecture fit in, that's not what we're talking

about, it's really not that type of architecture that exists in this area.

MR. MINUTA: How would that differ?

MR. WINGLOVITZ: There's no buildings.

MR. MINUTA: There are, they're just more dispersed.

MR. WINGLOVITZ: Yeah, over the whole area but there's no real historical architecture or theme or anything like that that we're trying to fit into.

MR. ARGENIO: I don't want to re-invent the wheel, I don't disagree with your point, Neil and Joe but what I don't want to do, I don't want to go back to square one with this, I think this community, these condominiums, they stand by themselves pretty much on the back side of those Forge Hill Apartments and there's a lot of new homes around there, I don't see at least to my knowledge in this specific location where there's any historical buildings that we're going to need to match here. I don't see it, that was the logic when this thing went through and I'm trying to jar my memory here, we wanted to put the stone walls in the front and create some kind of a boulevard entrance to make it look nice because the traveling public going up and down 32 is going to see that and they're going to be riding up and down through the historic district and that was the genesis of trying to doll up the entrance, now I don't see us backing up here and telling these guys that we need on this application a bunch of architectural renderings and dictate to them that they have to do this, that or the other thing. As I said, that doesn't mean that I think Neil's suggestion was good and I think you were going along with it, Joe, that it should be some type of Colonial style with some natural features in the front, i.e., stone or brick in keeping with a country or Colonial fashion. Do you guys agree with that?

MR. WINGLOVITZ: I can live with that wording, not a problem.

MR. SCHLESINGER: Well, what you're saying is what I'm saying, I don't want pink, I wouldn't like to see pink vinyl siding.

MR. MINUTA: I don't want to re-invent the wheel again, I don't want to go back to the SEQRA process, but I want some assurances that when this is fully developed it's something the Town and people who live in this Town can associate and be relative to with respect to the historic nature that we have in this Town.

MR. ARGENIO: In this area. You guys agree with that?

MR. WINGLOVITZ: I can live with the wording the chairman put.

MR. ARGENIO: Obviously there will be vinyl but we'd like to see some natural stone work on the front.

MR. EDSALL: Avoid whites.

MR. ARGENIO: There's a good suggestion, avoid whites. Earth tones with some kind of natural stone.

MR. EDSALL: Can you create a note to be added to the plan?

MR. WINGLOVITZ: Yes.

MR. EDSALL: That will soften it.

MR. MINUTA: Stone is not necessarily indicative of this either, just a matter of the style.

MR. GALLAGHER: Are these going to be seen from 300?

MR. WINGLOVITZ: Sa far as wooded area between us and them trying to preserve here, part of it is on the state highway, part of it is on our property as well so this is the stone embankment, probably 60 feet so the wooded area is here.

MR. ARGENIO: That's a very good point.

MR. SCHLESINGER: I have one other thing on my plan I only see one dumpster.

MR. WINGLOVITZ: There's several dumpsters located throughout the site.

MR. SCHLESINGER: Why don't you look at my plan, it's open already.

MR. ARGENIO: I've got three or four.

MR. WINGLOVITZ: One there, one there, one over there, actually, I think we show, we talked about, I don't know what happened, Mark, this is a long time ago, we talked about curb side pickup?

MR. ARGENIO: I don't know, I don't think, I don't want to back up but I'm not a big fan of curb side pickup.

MR. WINGLOVITZ: That was the end result, that's why we ended up showing the locations.

MR. ARGENIO: Mark, is there a code for that?

MR. EDSALL: For dumpsters?

MR. ARGENIO: Yes,

MR. EDSALL: No, it's the board's discretion.

MR. ARGENIO: Mark, they got three dumpsters here, what do you think of that, typically, do you think that's

enough?

MR. BABCOCK: How many units?

MR. WINGLOVITZ: 124.

MR. BABCOCK: What's RPA, how many units?

MR. WINGLOVITZ: Would the board like another dumpster?

MR. ARGENIO: I don't know.

MR. GALLAGHER: Single dumpster.

MR. WINGLOVITZ: There's a whole enclosure detail, we were asked to look at Washington Green.

MR. SCHLESINGER: The way I look at it hopefully is the way you'd look at it, if my mom was living in one of those homes, I don't think I'd want her to walk so far with her garbage to that dumpster. Do you agree?

MR. WINGLOVITZ: Sure, I agree.

MR. SCHLESINGER: You agree?

MR. WINGLOVITZ: Yes.

MR. ARGENIO: Can you find a spot?

MR. WINGLOVITZ: We can find a spot for another dumpster.

MR. ARGENIO: Equally spaced on the bottom of the page somewhere between 1,300 and 1,800?

MR. WINGLOVITZ: Yes.

MR. ARGENIO: Can we do that, Mark, can you help us with that?

MR. EDSALL: Yes, I'll work with them.

MR. SCHLESINGER: That's fine.

MR. ARGENIO: We had lengthy conversations with that going back a few years, it was a few years ago but there were lengthy conversations, that's why they've been here so many times.

MR. MINUTA: Just picking up on some of the details.

MR. WINGLOVITZ: Dumpster details, the light poles, Colonial throughout.

MR. SCHLESINGER: I just hope that you understand speaking from myself I haven't seen this plan before this is three years ago I sure as heck don't want to go back to square one and, you know, it's something that we normally review on everybody's plans and we're just trying to make it work for you and for us.

MR. WINGLOVITZ: Understand entirely.

MR. EDSALL: I'll work with them on adjusting the dumpster locations and increasing it to four.

MR. WINGLOVITZ: That's not a problem.

MR. EDSALL: There might be a better location for the one that's near the top of the entrance.

MR. ARGENIO: Yes, Dan pointed this out to me just now.

MR. MINUTA: Are these all condo units or do we have a central hall of some sort?

MR. WINGLOVITZ: All condominiums, there was actually a clubhouse proposed but we agreed to make that open space wooded area, leave it instead of clear it, it was

at the entrance.

MR. ARGENIO: No basements in these units, correct?

MR. WINGLOVITZ: No, there's no basements, well, there's a garage under on these and there's walkouts so there is basements.

MR. ARGENIO: They're not subsurface, they're not below the ground?

MR. WINGLOVITZ: Yeah, halfway.

MR. MINUTA: How many bedrooms are we looking at?

MR. WINGLOVITZ: Three bedroom.

MR. ARGENIO: Refresh my memory too on the future road stub, you're not paving that, correct, it's just going to be dedicated by metes and bounds?

MR. WINGLOVITZ: Yes.

MR. ARGENIO: That was a big issue, Neil, there's a couple places that have a dead-end, what do you do with the snow? Mark, I've read through your comments, I think we've addressed most of them, I think the board has brought up some very good thoughts, you have some subject-to's here, is there approval from the fire inspector, highway is good, Mike.

MR. BABCOCK: Yes, it's all been done.

MR. ARGENIO: You're going to need DOT permit, is there anything else, Mark, that you're--anything else?

MR. EDSALL: No, if you're so inclined, you could use the conditions that are listed and then add the submittal of the SWPPP for Town record adding the note regarding the building finishes and then the dumpster

issue of going from three to four and adjusting the locations.

MR. ARGENIO: And your subject-to's are the bullets contained in number 9, is that right?

MR. EDSALL: Correct.

MR. ARGENIO: Other stuff I think we've addressed. Does anybody have anything additional? And if we contemplate this, this is for preliminary approval?

MR. EDSALL: Final.

MR. ARGENIO: Final approval and you have to get subject to water you have to get.

MR. EDSALL: That's one of the conditions, obviously, also there's the sewer issue that the sewer has to be finally written off on, I'm not quite sure if there's the requirement for allocation and if it's been done if it's been signed but all those issues would get resolved.

MR. ARGENIO: You've addressed sewer, yes, you did, okay, that being said, I'll accept a motion for final approval for Covington Estates on Route 300. I'll read in the subject-to's.

MR. SCHLESINGER: I'll make a motion for the final approval for Covington Estates site plan.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that New Windsor Planning Board grant final approval to Covington Estates on Route 300 site plan subject to the bullets that Mark has in number 9, I'm not going to read them, Fran will get them off the minutes, subject to the addition of a dumpster enclosure which Mark will

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review the location of that enclosure, make sure that it is appropriate, subject to you folks getting the Storm Water Pollution Protection Plan as part of the final drawings to Mark and subject to a note being put on the plans to the effect of and Mark will review the note the effect of the facades and the buildings need to be of Colonial style utilizing natural earth tones with a very limited use of the color white and some natural either brick or stone on the facade of the building. If there's no further discussion from the board members, I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MINUTA	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE